

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RECEIVED

OCT 27 2021

Holding a Criminal Term

Clerk, U.S. District and
Bankruptcy Courts

Grand Jury Sworn in on August 11, 2021

UNITED STATES OF AMERICA

v.

BENJAMEN BURLEW,

Defendant.

: CRIMINAL NO.
:
: VIOLATIONS:
:
: 18 U.S.C. § 231(a)(3)
: (Civil Disorder)
: 18 U.S.C. § 111(a)(1)
: (Assaulting, Resisting, or Impeding
: Certain Officers)
: 18 U.S.C. § 1752(a)(1)
: (Entering and Remaining in Restricted
: Grounds)
: 18 U.S.C. § 1752(a)(2)
: (Disorderly and Disruptive Conduct in a
: Restricted Grounds)
: 18 U.S.C. § 1752(a)(4)
: (Physical Violence in Restricted Grounds)
: 40 U.S.C. § 5104(e)(2)(F)
: (Act of Physical Violence in the Capitol
: Grounds)
: 18 U.S.C. § 113(a)(4)
: (Striking, Beating, or Wounding of
: Another Person within the Territorial
: Jurisdiction)
: 18 U.S.C. § 113(a)(5)
: (Simple Assault within the Territorial
: Jurisdiction)
:
:
:
:
:

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about January 6, 2021, within the District of Columbia, **BENJAMEN BURLEW**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer lawfully engaged in the lawful performance of his/her official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

(Civil Disorder, in violation of Title 18, United States Code, Section 231(a)(3))

COUNT TWO

On or about January 6, 2021, within the District of Columbia, **BENJAMEN BURLEW**, did forcibly assault, resist, oppose, impede, intimidate, and interfere with an officer and employee of the United States, and of any branch of the United States Government (including any member of the uniformed services), and any person assisting such an officer and employee, that is, O.F., an officer from the Washington, D.C. Metropolitan Police Department, while such officer and employee was engaged in and on account of the performance of official duties and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(Assaulting, Resisting, or Impeding Certain Officers, in violation of Title 18, United States Code, Section 111(a)(1))

COUNT THREE

On or about January 6, 2021, in the District of Columbia, **BENJAMEN BURLEW**, did knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off,

and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, without lawful authority to do so.

(Entering and Remaining in a Restricted Grounds, in violation of Title 18, United States Code, Sections 1752(a)(1))

COUNT FOUR

On or about January 6, 2021, in the District of Columbia, **BENJAMEN BURLEW**, did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in, and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did, in fact, impede and disrupt the orderly conduct of Government business and official functions.

(Disorderly and Disruptive Conduct in Restricted Grounds, in violation of Title 18, United States Code, Sections 1752(a)(2)).

COUNT FIVE

On or about January 6, 2021, in the District of Columbia, **BENJAMEN BURLEW**, did knowingly engage in any act of physical violence against any person and property in restricted grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting.

(Engaging in Physical Violence in Restricted Grounds, in violation of Title 18, United States Code, Sections 1752(a)(4))

COUNT SIX

On or about January 6, 2021, in the District of Columbia, **BENJAMEN BURLEW**, willfully and knowingly engaged in an act of physical violence within the United States Capitol Grounds.

(Act of Physical Violence in the Capitol Grounds, in violation of Title 40, United States Code, Section 5104(e)(2)(F))

COUNT SEVEN

On or about January 6, 2021, within the District of Columbia, **BENJAMEN BURLEW**, at a place within the territorial jurisdiction of the United States, namely the United States Capitol Grounds, on land acquired for the use of the United States and under its exclusive jurisdiction, did commit an assault of an individual with initials J.M. by striking, beating, and wounding J.M.

(Striking, Beating, and Wounding within the Territorial Jurisdiction of the United States, in violation of Title 18, United States Code, Section 113(a)(4))

COUNT EIGHT

On or about January 6, 2021, within the District of Columbia, **BENJAMEN BURLEW**, at a place within the territorial jurisdiction of the United States, namely the United States Capitol Grounds, on land acquired for the use of the United States and under its exclusive jurisdiction, did commit a simple assault of an individual with initials J.M.

(Simple Assault within the Territorial Jurisdiction of the United States, in violation of Title 18, United States Code, Section 113(a)(5))

A TRUE BILL:

/GPR

Attorney of the United States in
and for the District of Columbia.

FOREPERSON.